

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE UNITED STATES OF AMERICA, *et al.*,
ex rel. RONALD J. STRECK,

Plaintiffs.

v.

BRISTOL-MYERS SQUIBB CO.,

Defendant.

Case No. 2:13-cv-7547-TJS

JOINT STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms and conditions of the settlement agreements: (1) between Relator Ronald J. Streck (“Relator”), defendant Bristol-Myers Squibb Company (“Bristol-Myers”), and the United States (the “Federal Settlement Agreement”), and (2) between Relator, Bristol-Myers, and the Medicaid Participating States¹ (state agreements collectively referred to as the “Medicaid State Settlement Agreements”), Relator and Bristol-Myers hereby stipulate, through their undersigned counsel, to the dismissal of Civil Action No. 13-cv-7547 (the “Civil Action”) as follows:

- A. Relator’s claims against Bristol-Myers in the Civil Action shall be dismissed with prejudice.
- B. All claims asserted by Relator on behalf of the United States against Bristol-Myers in

¹ The Medicaid Participating States are Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

the Civil Action for the Covered Conduct, as defined in the Federal Settlement Agreement, shall be dismissed with prejudice, and any claims asserted by Relator on behalf of the United States against Bristol-Myers in the Civil Action for other than the Covered Conduct, as defined in the Federal Settlement Agreement, shall be dismissed with prejudice to Relator but without prejudice to the United States.

- C. All claims asserted by Relator on behalf of the Plaintiff States² against Bristol-Myers in the Civil Action for the Covered Conduct, as defined in the Medicaid State Settlement Agreements, shall be dismissed with prejudice, and any claims asserted by Relator on behalf of the Plaintiff States against Bristol-Myers in the Civil Action for other than the Covered Conduct, as defined in the Medicaid State Settlement Agreements, shall be dismissed with prejudice to Relator but without prejudice to the Plaintiff States.

The United States and the Plaintiff States have informed the parties that they consent to this Joint Stipulation of Dismissal.

SO STIPULATED:

RELATOR

/s/ Daniel R. Miller

Daniel R. Miller

WALDEN MACHT & HARAN, LLP

2001 Market St. Suite 2500

Philadelphia, PA 19103

Counsel for Relator Ronald J. Streck

² The Plaintiff States are California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Hawaii, Illinois, Iowa, Indiana, Louisiana, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Virginia, Washington, and Wisconsin.

BRISTOL-MYERS SQUIBB COMPANY

/s/ Richard L. Scheff

Richard L. Scheff

ARMSTRONG TEASDALE

2005 Market Street, 29th Floor

12th Floor East Tower

Philadelphia, PA 19102

/s/ Mark A. Jensen

J. Sedwick Sollers III (*admitted pro hac vice*)

Mark A. Jensen (*admitted pro hac vice*)

Ashley C. Parrish (*admitted pro hac vice*)

Michael J. Ciatti (*admitted pro hac vice*)

Zachary Fardon (*admitted pro hac vice*)

KING & SPALDING LLP

1700 Pennsylvania Ave. NW Suite 200

Washington, D.C. 20006

Counsel for Bristol-Myers Squibb Company

SO ORDERED:

/s/ Timothy J. Savage 9/27/2021

Judge Timothy J. Savage

Senior United States District Judge